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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Docket No.: 10003826-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michelle Lehmeier et al.

Application No.: 09/873,687

Confirmation No.: 4781

Filed: June 4, 2001

Art Unit: 2172

For: SYSTEM AND METHOD FOR COMBINING
VOICE ANNOTATION AND RECOGNITION
SEARCH CRITERIA WITH TRADITIONAL
SEARCH CRITERIA INTO METADATA

Examiner: I. M. Woo

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RESPONSE TO RESTRICTION REQUIREMENT

Technology Center 2100

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed March 22, 2004 (Paper No. 9) (hereinafter "Restriction"), the Applicants hereby provisionally elect, with TRAVERSE, claims 1-12 and 23-28, referred to as Group 1, for continued examination.

The Examiner has required restriction between claims 1 – 12 and 23 – 28 (collectively Group 1) and claims 21 and 22 (collectively Group 2). In support of this restriction, the Examiner has categorized the embodiments described by the claims of Group 1 as distinct and separate subcombinations from the embodiments described by the claims of Group 2. Without conceding that the Examiner's classification of the pending claims is accurate, the Applicants respectfully assert that even if the classification is assumed to be accurate, the restriction requirement is improper.

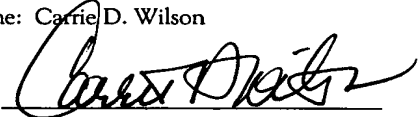
37 CFR § 1.142(a) does permit the Commissioner to require restriction if two or more independent and distinct inventions are claimed in a single application. However, the Applicants respectfully remind the Examiner that M.P.E.P. § 803 requires that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." The Restriction does not describe any serious burden that currently impedes an examination of this application as a whole. Further, because both Group 1 and Group 2 comprise claims that have already been examined, any burden that might have existed has already been borne. Because no serious burden exists, the Applicants respectfully ask the Examiner to withdraw the restriction requirement and to continue the examination of the claims in both Group 1 and Group 2.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10003826-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV375343444US, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: 04-15-2004

Typed Name: Carrie D. Wilson

Signature: 

Respectfully submitted,

By 

Michael A. Papalas
Attorney/Agent for Applicant(s)
Reg. No.: 40,381

Date: 04-15-2004

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4-16-04

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PATENT APPLICATION

ATTORNEY DOCKET NO. 10003826-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michelle Lehmeier et al.

Confirmation No.: 4781

Application No.: 09/873,687

Examiner: J. M. Woo

Filing Date: 06-04-2001

Group Art Unit: 2172

Title: SYSTEM AND METHOD FOR COMBINING VOICE ANNOTATION AND RECOGNITION
SEARCH CRITERIA WITH TRADITIONAL SEARCH CRITERIA INTO METADATA

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT Technology Center 2100

Sir:

Transmitted herewith is/are the following in the above-identified application:

- () Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee (Address envelope to "Mail Stop Non-Fee Amendment")
(X) Other: Response to Restriction Requirement (fee \$)

| CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY | | | | | | |
|--|--|------------------------|--|-------------------------|-------------|---------------------------|
| (1) FOR | (2) CLAIMS REMAINING AFTER AMENDMENT | (3) NUMBER EXTRA | (4) HIGHEST NUMBER PREVIOUSLY PAID FOR | (5) PRESENT EXTRA | (6) RATE | (7) ADDITIONAL FEES |
| TOTAL CLAIMS | | MINUS | | = 0 | X \$18 | \$ 0 |
| INDEP. CLAIMS | | MINUS | | = 0 | X \$86 | \$ 0 |
| [] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM | | | | | + \$290 | \$ 0 |
| EXTENSION FEE | 1ST MONTH \$110.00 | 2ND MONTH \$420.00 | 3RD MONTH \$950.00 | 4TH MONTH \$1480.00 | | \$ 0 |
| OTHER FEES | | | | | | \$ |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | | \$ 0 |

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

"Express Mail" label no. EV375343444US

Date of Deposit 04-15-2004

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

By

Typed Name: Carrie D. Wilson

Respectfully submitted,

Michelle Lehmeier et al.

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Michael A. Papalas

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